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CASSAN MACLEAN
307 GILMOUR STREET
OTTAWA, ON K2P 0P7
CANADA

EXAMINER	
VU, TUAN A	

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2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,033	MCALEAR, JIM A.	
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *4/1/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 4/01/08.

As indicated in Applicant's response, claims 9, 15-16 have been amended, and claim 18 added. Claims 1-18 are pending in the office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: there is no enabling relationship that would describe how the predetermined compact shape containing a specific operation can --contradictorily -- become adjacent elongated shape representing objects **upon which** operations (represented by said predetermined shape) are executed.

That is, claim 1 (and claim 15) recite 'representing operations on or between objects as compact predetermined shapes, each predetermined shape being adjacent an elongated shape, each predetermined shape **containing at least one** symbol indicative of a specific **operation being represented**' (2nd indentation) then 'said predetermined compact shapes are adjacent elongated **shapes representing objects upon which** operations represented by said

predetermined shapes are executed' (5th indentation). It appears as though the compact shapes not only contain a symbolic representation for a operation but also become the very operated-upon objects which these 'predetermined shapes' represent. One of ordinary skill in the art, in light of the Specifications cannot find any implementation details that enable one operation type of shape (icon) to become the target shape/iconic objects being operated by that very operation itself. In other words, there is no teaching from the Disclosure that a symbolic *representation of a operation* is itself the *object being operated* upon by that same operation; and accordingly, one cannot make sense of the relationship between said operation and the structural context by which some particular (compact) shapes contain representation of an operation to execute when these very shapes are being operated upon. This 'adjacent elongated shapes … upon which operations … are executed' would be treated as though the *compact shapes* are in the timeline proximity of (emphasis added) the operated-upon *elongated shapes* specifying an object.

Claims 2-14 fail to remedy to the above; and, likewise, along with claims 16-17 are rejected for indefinite teaching.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Moorby et al, USPN: 5,892,507 (hereinafter Moorby).

As per claim 1, Moorby discloses a method of illustrating a process, the method comprising:

representing objects as elongated shapes each containing at least one descriptor (e.g. Fig. 9; col. 3, lines 60 to col. 4, line 15; SVL objects – col. 11, lines 1-4; activation regions - Fig. 12a) to specify an object being represented;

representing operations on or between objects as compact predetermined shapes, each predetermined shape being adjacent an elongated shape (e.g. Fig. 10A-B; Figs 2a-d; *Welcome, Diversion, Video 1, Goto #1* - Fig. 27), each predetermined shape containing at least one symbol indicative of a specific operation being represented (e.g. *call spots* – col. 4, lines 10-15; Fig. 10A-B; Fig. 20, 21, 22);

representing a control flow of said process through a connected series of possibly different control segments shapes (e.g. Fig 11C) which form a timeline, said timeline being parallel to the direction of elongation of an object shape such that a sequence of operations executed on or between objects is specified (col. 3, lines 60 to col. 4, line 15; storyline 200 – Fig. 9), wherein

said elongated shapes are spaced (e.g. Fig. 16-17; Fig. 11a-c – Note: called objects in timeline operated upon by iconic call spots --e.g. button-called object-- reads on elongated and spaced shapes – see col. 12, lines 20-35) apart from one another (if more than one);

said predetermined compact shapes are adjacent elongated shapes representing objects upon which operations represented by said predetermined shapes are executed (Fig. 11a-c – Note: action icons -- col. 12, lines 20-35, *proximity*, col. 3, lines 42-46 -- being adjacent to icons

of timeline reads on compact shapes being adjacent to the elongated shapes being operated upon);

said predetermined compact shapes are connected by lines (see Fig. 12B – Note: activation region icon being linked by a Button – *Button2, icon3* -- icon reads on compact shapes being connected to elongated shapes) to elongated shapes representing objects from which operations represented by said predetermined shapes are executed;

different predetermined compact shapes are use to represent operations which modify an object (see Fig. 2 a-d; <Go to #2> - Fig. 27; adding or deleting - col. 10, line 11-21) and operations which do not modify an object (see Welcome 906, Video 1 912 – Fig. 27);

said control segment shapes each define an elongated strip perpendicular to the timeline (see Fig. 27);

each of said predetermined compact shapes being located in a strip (Fig. 12B; Fig. 14-16) and each section of said timeline being located in a strip such that said operations represented by said predetermined compact shapes in a strip are executed according to said flow control mechanisms (Figs 12; Fig. 24) represented by said timeline segment located in said strip;

each strip contains a portion of at least one of said elongated shapes such that for each strip it is illustrated that operations on or by said object represented by said at least one elongated shapes (e.g. Fig. are represented by predetermined compact shapes located in said strip and said operations are to be executed according to control mechanisms (e.g. Fig. 2a-d; Fig. 10b; *action interposed between call spot* – col. 9, line 56-65; *use is satisfied ... user can modify* - col. 10, line 11-21 – Note: event based operations using icon shapes --Event Handler – col. 11, lines 10-32; Fig. 26; Go to #2 - Fig. 27 – to interpose event handling in the middle or to branch away from

the flow of the timeline reads on control mechanism by which user can modify the flow) represented by said timeline segment in said strip.

As per claims 2-3, Moorby discloses representing list assignments and parameter specifications as a separate shape containing details of said assignments and parameters (e.g. Function IsZtl18, Sub setZ – Fig. 25a-b); representing mathematical expressions as a separate shape, said shape containing said mathematical expressions (e.g. evaluation function – col. 16, lines 30-50; Sub IncrZ - Fig. 25B).

As per claim 4, Moorby discloses wherein said process is a real-time process, and with the method including unique shapes for objects, operations and control flow segments to distinguish the treatment of real-time aspects of the process (see col. 10, line 8-37; Fig. 10a-b – Note: user's viewer and clicking action by user along with event-based process flow as a result of user action reads on real-time intervening from developer).

As per claim 5, Moorby discloses wherein said flow control mechanisms includes at least one mechanism selected from a group comprising: looping (Fig. 2c; Fig. 2f); conditional branching (Fig. 2b, 2d; *<IsZeq17> 816*– Fig. 25B); nested looping; nested branching; exception branching (e.g. *if ... terminates before ... all activity ... will terminate* – col. 14, lines 56-67); and the handling of threads (Fig. 5; col. 15, lines 18-40).

As per claim 6, Moorby discloses notations included for said objects and related operations can represent collections including one or more of: an array (Midi 40 – Fig. 4a; Fig. 13a); a table (BMAP 38 – Fig. 4a); a file (Video1 30, Script 52, Metafile 42 – Fig. 4a); a queue (Tline 58 – Fig. 4B); a tree structure (OMF 48 – Fig. 4a); and a software variable (variable Z – Fig. 25).

As per claim 8, Moorby discloses operations selected from a group comprising: selecting (e.g. col. 4, line 67 to col. 5, line 5; col 11, lines 40-45); substitution (Go to – Fig 24, 27); formatting (col. 9, lines 27-29; color fading - Fig. 28 and related text); making assignments (e.g. *Global Z, Sub SetZ, Z= 0* – Fig. 25A); making state changes (col. 9, lines 27-29; col. 15 lines 59-62); making computations (Fig. 25B); and returning values (e.g. *InCrZ, IsZeq17* – Fig. 25B).

As per claim 15, Moorby discloses a computer program product for use with a computer system, the product comprising tangible computer readable medium having encoded thereon computer readable code for implementing a method of illustrating a process, the method comprising:

representing objects as elongated shapes each containing at least one description specifying an object being represented;

representing operations on or between objects as predetermined compact shapes, each predetermined shape being adjacent an elongated shape, each predetermined shape containing at least one symbol indicative of a specific operation being represented;

representing a control flow of said process as a connected series of control segment shapes forming a timeline, said timeline being parallel to the direction of elongation of an object shape such that a sequence of operations executed on or between objects is specified;

wherein

said elongated shapes are spaced apart from one another (if more than one);

said predetermined compact shapes are adjacent elongated shapes representing objects upon which operations represented by said predetermined shapes are executed;

said predetermined compact shapes are connected by lines to elongated shapes representing objects from which operations represented by said predetermined shapes are executed;

different predetermined compact shapes are use to represent operations which modify an object and operations which do not modify an object;

said control segment shapes each define an elongated strip perpendicular to the timeline;

each of said predetermined compact shapes being located in a strip and each section of said timeline being located in a strip such that said operations represented by said predetermined compact shapes in a strip are executed according to said flow control mechanisms represented by said timeline segment located in said strip;

each strip contains a portion of at least one of said elongated shapes such that for each strip it is illustrated that operations on or by said object represented by said at least one elongated shapes are represented by predetermined compact shapes located in said strip and said operations are to be executed according to control mechanisms represented by said timeline segment in said strip;

i.e. all of which limitations having been addressed in claim 1.

As per claims 16-17, Moorby discloses wherein said process is a software process (e.g. programming attributes – col. 2, lines 24-31; SVL – col 3, lines 8-35; Fig. 25a-b; Fig. 12a; Go to, Go back – Fig. 27).

As per claim 18, Moorby disclose CD-ROM, fixed disk, or memory device including semiconductor, magnetic or optical memory device (Windows, MacIntosh - col. 7 lines 12-16; col. 10, lines 42-52)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 7, 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Moorby et al, USPN: 5,892,507, further in view of Charisius et al., USPN: 7,055,131 (hereinafter Charisius).

As per claim 7, Moorby discloses representing relationships between objects as links between said objects, said links being independent of the timeline (e.g. story 42 – Fig. 11c; OMF3 612 – Fig. 21 – Note: execution of <story> and <OMF> icons functionality entails realization of links -- inside said functionality-- between objects that are independent from the main timeline). However, Moorby does not explicitly disclose that *the links representing relationship also have the ability to represent relationships such as components inheritance, definitions and database table relationships*. Moorby discloses reuse of objects in an authoring tool including library for the author to select objects from (see col. 4, line 67 to col. 5, line 5; *library* – col. 6, line 65 to col. 7, line 5), a meta file and OMF object having therein representation of meta information interrelating objects of a framework (see Meta 588, OMF 612, Fig. 20-21). This is reminiscent of in software development wherein a repository (database or library) of reusable objects can be interrelated via definitions of a form of meta-information (Meta file) that enable rebuilding and interlinking (as suggested by Moorby: (e.g. *linking* - col. 10 ,lines 11-29) these database objects such as re-structuring or modeling during authoring runtime a framework of objects (OMF) as set forth above. Charisius discloses in an authoring

system for development of object-oriented type of software process, using meta information (TMM – Fig. 2) to interrelate stored package of objects or class in Microsoft template library (e.g. Fig. 9; Fig. 4) consistent with the concept of Object-oriented reusable package (see Polymorphism - Table 8, col. 12) using UML and Rationale Rose (UML – col. 18, lines 25-32); and similarly to Moorby discloses a tool to animate a program flow/process via a time-based GUI representation of event-icon acting via links upon a linear sequential representation of the objects flow (see Fig. 13-14, 21). It would have been obvious for one skill in the art at the time the invention was made to implement the meta file and the OMF by Moorby so the interrelationship (or links) among objects therein represent relationship of OO objects consistent with inheritance (as in UML or Rationale Rose), definitions (as by meta-information) and database table relationships (as queried from any retrieval of OO package or source repository of reusable OO objects) as evidenced above by Charisius. One would be motivated to do so because at the time the invention was made, reusability of objects being stored and queried from a repository based on a meta information within an instance of a framework type for software construction was a well known concept as mentioned by Charisius (see Fig. 1), and using repository of OO packages in conjunction with metadata as shown in Moorby's OMF and Metafile would enable modeling and framework support for interrelating objects used within a process animation endeavor such as Moorby including benefits from their inheritance and how they are re-instantiated and validated based on their regulated database store (as in RDBMs) and hierarchy as evidenced in Charisius' use of persisted objects assembled for a instance model (see Fig. 10-26).

As per claim 9, Moorby discloses a user interface for use in navigating a computer aided design software package for use with a computer system for illustrating a process according to the method of claim 1, the user interface comprising:

a first set of activatable on-screen buttons (or other use activated controls such as name or menu controls), each one of said first set representing a respective one of the predetermined compact shapes representing an operation on or between objects (. Fig. 10A-B; Figs 2a-d; *Welcome, Diversion, Video 1, Goto #1* - Fig. 27; *call spots* – col. 4, lines 10-15; Fig. 10A-B; Fig. 20, 21, 22);

a second set of activatable on-screen buttons (or other controls), each one of said second set representing a segment shape representing a respective on of the flow control mechanisms (e.g. Fig. 9; col. 3, lines 60 to col. 4, line 15; SVL objects – col. 11, lines 1-4; *activation regions* - Fig. 12a);

at least one activatable on-screen button (or other control) representing an elongated shape representing an object; wherein there is a grid for the placement of different shapes to form a diagram (e.g. Fig. 12b; Fig. 14-16; Fig. 20, 23, Fig. 24-25, 27); and upon activating a control for a shape the user may use a mouse or other mechanism to initially place the selected shape within the grid, and where necessary (e.g. col. 4, line 67 to col. 5, line 5; col 11, lines 40-45; *activation regions* - Fig. 12).

But Moorby does not explicitly disclose a dialog box is presented to the user, to use a keyboard or other controls to enter or select information to complete the information associated with such shape including labels, comments, field names, method names to finalize said shape's representation on the screen. Moorby discloses possibility for the user to modify and edit (col.

18, lines 24-34) like in modify time parameters (e.g. col. 11, lines 34-45) in order to have a change in the Timeline scenario. At the time the invention was made, Window system with GUI interface including typical utilities like drop down, dialog box, template field, form, pop-up, task bar was well known concept. Analogous to Moorby interface to enable user to modify parameters, Charisius shows a windows-based panel enabling user to sort and select field related to modifying definition or validation of source code (e.g. Fig. 8A-C) or box to assemble object as well as editing their definition (see Fig 12-26). Based on the above well-known Windows utilities, it would have been obvious for one skill in the art at the time the invention was made to implement the editor interface in Moorby so that a dialog box is presented to the user as in a Window (as in Charisius) panel structure to allow Moorby's user or author to modify labels, comments, fields, and code method names in order to achieve finalization of the TimeLine Scenario contemplated by Moorby (as set forth above), because using Window-based components like dialog box, drop down menu, text field or templates (as set forth in the modeling by Charisius) to modify definition of objects would significantly increase the real-time capability of the developer in order to immediately address the needed changes to a scenario as endeavor by Moorby; and yet allow the user have direct visual contact with the screen console as shown in Charisius, using well-known utilities by Windows to alleviate costs.

As per claim 10, refer to the corresponding rejection as set forth in claim 8.

As per claim 11, refer to the corresponding rejection as set forth in claim 5.

As per claim 12, refer to the corresponding rejection as set forth in claim 6.

As per claims 13-14, refer to the corresponding rejection as set forth in claims 2-3.

Response to Arguments

8. Applicant's arguments filed 4/01/08 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

35 USC § 112, 2nd paragraph Rejection:

(A) Applicant has submitted that it is not understood (Appl. Rmrks pg. 14, top) as to what basis the Office Action has interpreted 'objects upon which operations … are executed' to be contradictory with 'predetermined shape containing … symbol indicative … specific operation being represented'. There is not one clear description in scanning the Specifications so to explain how symbolic representation of an operation contained in an elongated shape amounts to object being executed upon by such operation. The rejection has set it clear that symbolic representation of a operation (interpreted as textual legend for a function icon in a graphical display) cannot become object (a textual symbol display being affected by code of the very function runtime?) operated upon by that operation, because execution of a function (represented iconically in a GUI) entails programmatic instruction operating upon the actual data implemented for the runtime wherein executable carry out the represented operation; and such runtime operation cannot be operating on some iconic representation of said function, which rather belongs to a GUI display thus necessarily not a runtime of binary in motion, unless the Specifications provide convincing support therefor. The Applicant fails to provide factual support as to otherwise clarify to the lack of functional/structural relationship issue regarding the pointed to indefinite language as set forth in the Rejection. The rejection will be maintained.

35 USC § 102 Rejection:

(B) Applicant has submitted that (for claim 1) it is not clear as to how the Examiner identifies the cited portions of Moorby to the claimed 'elongated shapes', 'descriptor to specify',

'containing … symbol indicative …specific operation', 'compact predetermined shapes', 'operations on or between objects', as to 'modify an object' (Appl. Rmrks pg. 15, middle to pg. 16, middle), particularly when Examiner has made no explanation regarding mapping of the above with the cited portions. Interpretation of the claim (which amounts to broad terminology) has been used when it come to giving merits to the very language being used therein. The descriptor or nomenclature for an identifier shown in the timeline elongated shapes by Moorby is used to map descriptor specifying an object, object taken in a very broad sense (see col. 3 line 60 to col. 4, line 5). Specific operation represented by some identifier within a elongated timeline is shown as call spots in Fig. 10A-B; whereas 'compact predetermined shapes' are mapped with any elongated shapes that entail operation to control or modify other objects such as in: Fig. 2 a-d; <Go to #2> - Fig. 27; *adding or deleting* - col. 10, line 11-21) and operations which do not modify an object such as in: Welcome 906, Video 1 912 – Fig. 27. The terminology about 'modify … object' has been interpreted as face value to mean any representation of a action affecting other objects or not changing any object; thus 'Go to", "adding or deleting" or "Welcome" are cited to analogized to operations that control, affect or not modify. The claim language for not being sufficiently specific to preclude broad reasonable interpretation as applied during the Office Action, is deemed matched and fulfilled based on the above. Prima facie of the Office Action has been established in that for each limitation, a corresponding cited section of the reference has been mapped (emphasis added). Prima facie of a proper Applicant's Response/Argument against such rejection requires that Applicant indicates how (by convincing evidence or proof) a particular language of a limitation distinguishes over the corresponding cited portions the Office has proffered. Instead, Applicant contends that it is confusing how the

Examiner had misinterpreted that language and that there is no explanation (from the Examiner) for each instance where a claim language is not clearly analogized to what appears to be a hard-to-understand plurality of matching portions from Moorby. Compliancy in regard to rebutting the grounds of a rejection cannot be deemed established in light of the above remarks; that is, Applicant fails to provide *factual evidence* as to how each cited parts **distinguish over** a particular language of the claim; but rather contends with repeating that the cited parts are not easy to understand because there is no explanation from the Examiner. That is, Applicant's remarks would be construed as but mere assertion that no cited portions are proper with respect to all limitations of the claim; moreover, the observations that something is hard to understand AND that explanations (by the examiner) are required have **no legal grounds** in the specific context required for a prima facie case of rebut in accordance with CFR 1.111b, more precisely: Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The argument is deemed not persuasive.

(C) Applicant has submitted that it is not clear how the cited portions by Moorby teach 'elongated strip perpendicular to the timeline' (Appl. Rmrks pg 16, bottom to pg. 17). The Office Action (refer claim 1) has not only provided an analogous teaching in Moorby's showing of perpendicular segments, but also included a Note explaining how the "perpendicular to the timeline" effect has been addressed, and as to how 'modify the flow' has been addressed. In another way, the role played by perpendicular lines by Moorby in Figure 27 affect the parallel line in terms of acting upon them in a flow control action; and this is fulfilling the claim

language regarding 'control segment shapes'. The argument is insufficient to overcome the rejection.

(D) Applicant has submitted that 'form a timeline … parallel to the direction of elongation of an object shape' are not shown in the cited portions by Moore whereby 'Call lines' are not parallel(Appl. Rmrks, pg. 18) hence Moorby teaches away from this 'parallel direction'. The Office Action does not provide Figure 11C to mean that 'call lines' are not directionally aligned with the time flow of the elongated shapes therein, simply in a timeline scenario as depicted by Moorby, calling has to be sequenced with the horizontal representation of time axis, not perpendicular implication being involved. The above allegation by Applicant is misinterpreting the cited portions and/or not commensurate with the grounds of the rejection.

(E) Applicant has submitted that from Figure 16, the *call lines* by Moorby for not being perpendicular to the time line teach away from 'perpendicular to the timeline' of the claim (Appl. Rmrks, pg. 18, bottom, pg. 19, top). The cited portions in the Office Action regarding 'compact shapes … perpendicular' do not include Figure 16 and the 'perpendicular' limitation has been addressed in section C above.

The claim language amounts to some phraseology marred with intermingling of graphical display semantics (e.g. elongated shape, compact shapes, direction of elongation of object shape, connected by lines, perpendicular to timeline) and programmatic execution type of terminology(e.g. upon which operations … are executed, from which operations ... are executed, operations which modify an object, compact shapes in a strip are executed, said operations are to be executed) and has been given merits according to the extent of broadest reasonable sense when the above terminology is interpreted. Example of this ambiguous terminology has been

illustrated in the USC 112 Rejection, whereby it is hard to see how graphical iconic representation of an operation can suddenly become a programmatic object being operated upon by the operation, making it largely indefinite as to how the graphical representation of a time-based display can be dynamically intermingled with and affected by runtime of the underlying code represented by such GUI icon, or shapes when the claim does not provide (emphasis added) one teaching to the effect that elongated shapes are actually live code in the midst of execution. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably (e.g. elongated shapes, sequence of operations executed) distinguishes them from the references.

35 USC § 103 Rejection:

(D) Applicant has submitted that claim 7 is not obvious because claim 1 has not been taught by Moorby, and that claims 9-14 are likewise not taught nor suggested by Moorby by way of Charasius (Appl. Rmrks pg. 20). These allegations are not sufficient in showing exactly a particular construct of the claim distinguishes in a convincing manner what has been cited in Moorby and in Charisius, based on the very rationale as set forth by the Office Action.

In all, the claims stand rejected as set forth in the Office Action.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

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